

REMARKS

1 The drawings were objected to under 37 CFR 1.83(a). The Examiner contends
that the drawings must show a plurality of spaced-apart drive towers as set forth in
claims 1, 4, 7, 12 and 14. Although applicants sincerely believe that it is not necessary
5 to show the conventional spaced-apart drive towers on the irrigation systems set forth
in the above-identified claims, Fig. 5 has been added to the drawings which clearly
shows a conventional center pivot irrigation system and the support towers associated
therewith. A copy of Fig. 5 is attached hereto. Accordingly, it is believed that the
10 objection to the drawings should be withdrawn.

Claims 1, 2, 4, 5, 7, 9 and 12-14 were rejected under 35 U.S.C. § 102(b) as
being anticipated by Davis (5,435,495).

15 It is the Examiner's contention that Davis anticipates the above-identified claims
in that the Examiner believes that the inner end of the pipeline (34) can be
disconnected from the horizontally extending pipe (36) while maintaining the inner end
of the pipeline (34) in alignment with the horizontally extending pipe (36) of the pivot
support assembly (14).

20 First, there is absolutely no teaching or suggestion whatsoever that flanges 37
and 38 could be disconnected. Further, it is not logical to disconnect the flanges 37
and 38 due to the fact that Davis discloses a telescoping joint located between the
center pivot and the first vehicle so that water may continue to flow therethrough while
the system is being operated. In fact, the center pivot rut move apparatus of Davis is
25 intended to permit all of the towers to move outwardly with respect to the center pivot

1 while the system is being operated. In applicants' system, pipes are fluidly
disconnected and that fluid disconnection is only accomplished when the system is not
functioning to irrigate. In an effort to clearly distinguish Davis, certain of the claims
have been amended to describe that the disconnection of the inner end of the pipeline
5 from the horizontally extending pipe portion of the pivot support assembly is a fluid
disconnection with the structure facilitating the fluid reconnection of the inner end of
the pipeline to the horizontally extending pipe portion. Further, method claims 1-6
clearly state that the claimed method is a method of reducing stress in a center pivot
irrigation system during a time that the system is not functioning. In Davis, there is no
10 disconnection and the telescoping joint is moved while the system is functioning.
Additionally, in Davis, the relative movement of the telescoping joint is achieved by the
screw actuator illustrated in Fig. 3 and will not actually permit the telescoping joint to
move unless the motor 44 is actuated. In applicants' method and system, the stress in
15 the system is relieved naturally, without the intervention of any electric motor or screw
actuator, once the fluid disconnection has been achieved. It is therefore clear that
claims 1, 2, 4, 5, 7, 9 and 12-14 are not anticipated by Davis and should be allowed.

Claims 3, 6 and 8 were rejected under 35 U.S.C. § 103(a) as being
20 unpatentable over Davis (5,435,495) in view of Reinke (3,936,117).

In the rejection of claims 3, 6 and 8, Reinke is relied upon to show a flex joint.
Applicants do not contend that they are the first persons to provide a flex joint as

1 described in claims 3, 6 and 8, but do contend that they are the first persons to utilize
a flex joint in association with the claimed method and apparatus. As pointed out
above, Davis does not teach the fluid disconnection of the first and second pipes, so it
is applicants' position that the Examiner's combination of references does not make
5 applicants' structure obvious.

Applicants appreciate the indication that claims 10 and 11 would be allowable if
rewritten in independent form. Accordingly, claim 10 has been cancelled without
prejudice and rewritten in independent form as newly submitted claim 15 which
10 includes the limitations of claims 7, 9 and 10. Claim 11 has been amended to depend
from newly submitted claim 15. Accordingly, claims 15 and 11 should be allowed.

No extensions of time are believed to be due in connection with this
Amendment; however, please consider this a request for any extension inadvertently
15 omitted.

Respectfully submitted,



DENNIS L. THOMTE
Registration No. 22,497
THOMTE, MAZOUR & NIEBERGALL
Attorneys of Record

20 2120 S. 72nd Street, Suite 1111
Omaha, NE 68124
(402) 392-2280

CERTIFICATE OF MAILING

I hereby certify that the original of this AMENDMENT for RICKY D. McGEE, ET AL., Serial No. 10/776,136, was mailed by first class mail, postage prepaid, to Mail Stop Amendment, Commissioner for Patents, Alexandria, VA 22313, on this 17 day of November, 2005.



DENNIS L. THOMTE